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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,558	12/01/2000	Ryo Ozawa	P20020	1830

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,558

Applicant(s)

OZAWA, RYO

Examiner

Dave Czekaj

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

On pages 9-10, applicant argues that Nishikori and Kanno fail to disclose changing a scene displayed on the monitor between an endoscope image display scene and a patient data list display scene. While the applicant's points are understood, the examiner respectfully disagrees. See for example Nishikori column 10, lines 55-67, column 11, lines 1-4. There Nishikori discloses activating the control mode for the endoscope thus supplying the images to the monitor. Nishikori further illustrates in figure 15A screen change switches which Nishikori then discloses in column 11, lines 5-30, that a screen change routine can be invoked by pressing the CV100, CCU, OES, or data key. The examiner notes that by pressing the data key, the patient data list display shown in figures 15D and 15F are displayed. Therefore the rejection has been maintained.

On page 10, applicant argues that the examiner has not set forth a proper motivation for the proposed combination. While the applicant's points are understood, the examiner respectfully disagrees. The prior arts of record disclose medical imaging systems within the same field of endeavor by utilizing endoscopy. The examiners statement regarding "it is well known to do so" was referring to the teaching provided by Kanno indicating that displaying patient data and image data is well known within the art as disclosed in the background of the invention (column 3, lines 51-65). The examiners motivation was being able to obtain an apparatus that provides as much information as

possible to the user. Therefore the combination of Nishikori and Kanno is deemed proper.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-9, and 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikori et al. (5627584), (hereinafter referred to as "Nishikori") in view of Kanno et al. (5583566), (hereinafter referred to as "Kanno").

Regarding claims 1 and 7, Nishikori discloses an apparatus that relates to an endoscope system having centralized control (Nishikori: column 1, lines 13-15). This apparatus comprises an "endoscope having a solid state image sensor provided at a distal end, an image signal processing unit that produces a video signal based on the image signals, and a monitor for reproducing and displaying the images" (Nishikori: figure 33, column 18, lines 65-67, wherein the solid state image sensor is the solid-state imaging device, the image signal processing unit is the video processor). The system further comprises a "scene changing system that changes a scene on the monitor between an endoscope image display scene and a patient data list display scene" (Nishikori: figures 14B, 15D, and 15F, wherein the endoscope image scene is displayed by pressing the CV-100 button, the patient data list display scene is done by pressing the data button),

“storage system that stores patient data forming a patient data list which is displayed on the monitor when the scene on the monitor is changed from the endoscope image display to the patient data display” (Nishikori: figure 13, wherein the storage system is the image data file), and “a selection system that selects individual patient data from the patient data list displayed on the monitor” (Nishikori: figures 14F and 15F, wherein the selection system comprises the touch screen display which allows the user to select the desired patient).

However, this apparatus lacks the display control system that displays the individual patient data together with the endoscope image on the monitor. Kanno teaches that it is well known in the art to display patient data together with image data (Kanno: figure 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Nishikori and add the display system taught by Kanno in order to obtain an apparatus that provides as much information as possible to the user. One would be further motivated since it is well known in the art to do so.

Regarding claims 2 and 8, Kanno discloses an “editing system that edits the patient data forming the patient data list” (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management).

Regarding claims 3 and 9, Nishikori discloses “the production of the video signal is performed by the image signal processing unit such that as much patient information as possible is included in the patient data list to be displayed on the monitor when the scene is changed from the endoscope image display to

the patient data list display” (Nishikori: figure 15D, wherein the endoscope image display is invoked by pressing the CV-100 button, figure 15I, wherein the screen is shown to occupy the entire screen to display as much information as possible).

Regarding claims 5 and 11, Kanno discloses that the selection system further includes an “indicator system that visually indicates patient data to be selected from the patient data list” (Kanno: column 23, lines 47-55, wherein the visual indicator is the mouse), “manual operation system that controls the indication of the patient data to be selected from the list” (Kanno: figure 32, column 23, lines 53-67 – column 24, lines 1-67, wherein the operating system is the program that runs the menu displayed on the screen in figure 32) and a “manual settlement system that manually settles the indication of the patient data to be selected from the patient data list” (column 23, lines 47-55, wherein the settlement system is the mouse in that the mouse “click” manually settles or selects the appropriate data).

Regarding claims 6 and 12, Kanno discloses an “editing system that edits the patient data forming the patient list” (Kanno: column 25, lines 21-25, wherein the editing system is the patient data management), and a “determination system that determines whether the editing of the patient data is performed by an editing system after the activation of the manual settlement system, the editing of the patient data being settled by an activation of the manual settlement system when the performance of the editing of the patient data is confirmed by the determination system” (Kanno: column 23, lines 47-55, wherein the settlement

system is the mouse in that the mouse “click” manually settles or selects the appropriate data. The data will not be edited until the selection is “clicked” or confirmed by the system).

3. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishikori et al. (5627584), (hereinafter referred to as “Nishikori”) in view of Kanno et al. (5583566), (hereinafter referred to as “Kanno”) in further view of Ozawa et al. (6154248), (hereinafter referred to as “Ozawa”).

Regarding claims 4 and 10, note the examiners rejection for claims 1 and 7, and in addition, although one of ordinary skill would realize that Nishikori’s apparatus would utilize clock signals to transfer data, Nishikori fails to disclose the specifics of the clock signals as claimed. Ozawa teaches that connecting an endoscope to peripheral equipment based on one frequency can lead to a deteriorated quality of the reproduced color image (Ozawa: column 2, lines 66-67 – column 3, lines 1-36). To fix this problem, Ozawa discloses an apparatus that outputs digital images based on a second series of clock pulses having a frequency different from that of the first series of clock pulses (Ozawa: column 3, lines 39-49). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Nishikori, add the display system taught by Kanno, and add the multiple clock pulses with different frequencies taught by Ozawa in order to obtain an apparatus that produces superior video quality. One would be further motivated since Nishikori is silent on how to do so.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC

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